

Application No.: 09/840,482
Amendment dated: August 7, 2006
Reply to Office Action of April 5, 2006

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action dated April 5, 2006. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 1, 2, 4-6, 13, 15-17, and 24-28 were previously pending in the application, and Claims 1, 2, 4-6, 13, 15-17, and 24-28 are rejected. It is respectfully submitted that in light of the remarks below, all of the claims are now in condition for allowance.

Rejections Under 35 U.S.C. § 103(a) as being unpatentable over the Graham '199 patent in view of the Waas '560 patent

Claims 1-2, 4-6, 13, 15-17, 24-25, and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,297,199 to Graham et al. ("the Graham '199 patent") in light of U.S. Patent No. 6,188,560 to Waas ("the Waas '560 patent"). The Office Action alleges that the Graham '199 patent, in view of the Waas '560 patent, discloses every element and limitation found in the claims. For at least the reasons discussed below, Applicants respectfully traverse the rejections.

With regard to Claims 1, 13, 16-17, 24-25, and 27, the Office Action at page 2 asserts that the Graham '199 patent "disclose a wire termination device for providing a demarcation with subscriber lines (12) comprising a base (16) a telephone jack (40) with tip and ring contacts (43, 44), a moveable cover (24) associated with the base to be selectively closed thereon, a conductive contact (70, 71) provided on the cover that is disposed within the jack when the cover is closed onto the base. The conductive contact having a portion that electrically connects with the jack when the cover is closed." However, the Office Action further states that the Graham '199 patent does not explicitly teach "the conductive contact also being accessible from the exterior of the cover for providing a test contact" and "a plurality of insulation displacement connector type [subscriber terminals]." Regardless, the Office Action asserts that the Waas '560 patent "discloses a multi-wire terminal block having a cover (106) [through which] is provided external test contact element (112). The external test contact element is established as a raised portion of the protection contact element (102) adapted to receive a test probe." The Office Action concludes that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to [have] modified [the

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Graham '199 patent] to place test contacts on the top as taught by [the Waas '560 patent] for better testing."

Applicants respectfully traverse the rejections. The Office Action suggests that it would have been obvious for one of ordinary skill to have modified the wire termination device of the Graham '199 patent to include test contacts extending through the movable cover (24), as taught by the Waas '560 patent, for the purpose of "better testing," and more specifically, to be able to test for the presence of an electrical signal (i.e., a dial tone) on the telephone line wires (14) without opening the cover. However, the Waas '560 patent teaches a multi-wire terminal block having a *removable* protection module (100). The protection module comprises contact elements (102) that engage test leads (48) in test ports (18) and have a test contact element (112) protruding through a fixed cover (106) that is adapted to receive a test probe. In the wire termination device of the Graham '199 patent, a demarcation point is provided between the subscriber premises line (12) and the incoming telephone company line (14) when the cover (24) is pivoted away from the telephone jack (40) and the bridging members (71,72) are moved out of engagement with the first and second pairs of contact wires (43,44) and (48,49), respectively. A telephone plug of an operating telephone may then be inserted into the jack (40) to determine whether a fault exists on the incoming telephone line (14) or the subscriber premises line (12). See column 8, lines 4-18 of the Graham '199 patent. The wire terminating device of the Graham '199 patent further includes leads (36,37) for permitting telephone company personnel to attach telephone test equipment to perform tests on the subscriber premises line (12) while the cover (24) is closed. See column 8, line 65 to column 9, line 5 of the Graham '199 patent. Most importantly, the wire terminating device of the Graham '199 patent already includes an electrical protection device (58) between the conductors (50) in contact with the second pair of contacts (48,49) disposed in the jack (40) and the incoming telephone line (14). See column 4, lines 42-54 of the Graham '199 patent. Thus, there would be no reason for one of ordinary skill to provide the wire terminating device of the Graham '199 patent with the protection module (100) taught by the Waas '560 patent. The wire terminating device of the Graham '199 patent would not benefit by the addition of the removable protection module (100). Furthermore, positioning the removable protection module (100) taught by the Waas '560 patent on the movable cover (24) of the Graham '199 patent would destroy the operability of the protection module since the incoming telephone line (14) would be electrically disconnected from

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the protection module when the cover is in the open position. Thus, the prior art references clearly do not provide the requisite teaching, suggestion, or motivation necessary for one of ordinary skill in the art at the time the invention was made to have modified the wire terminating device of the Graham '199 patent in the manner proposed in the Office Action.

Therefore, independent Claims 1, 13, 24, 25, and 27 are patentable for at least this reason. In addition, neither of the cited references disclose or suggest (either alone or in combination) a plug assembly comprising a prong portion and a bypass contact that is disposed upon an outer surface of the prong portion and positioned *to avoid contact with the tip and ring contacts*, or a jack having a pair of conductive members therein that are engaged by the bypass contacts when the cover is closed, *the conductive members being electrically connected to the tip and ring contacts*. Therefore, independent Claim 25 and dependent Claims 4, 16 and 17 are patentable for at least this additional reason. Furthermore, neither of the cited references disclose or suggest (either alone or in combination) a conductive contact comprising a metallic strip disposed along a lateral side of a prong portion of a plug and having a contacting portion *that is biased outwardly from the lateral side of the prong portion*, or a jack having a conductive member on a lateral sidewall that is engaged by the metallic strip when the cover is closed, *the conductive member being electrically connected to one of the tip and ring contacts*. Therefore, independent Claim 27 and dependent Claims 5, 16, and 17 are patentable for at least this additional reason. Claims 2 and 4-6 depend directly or indirectly from Claim 1, and thus, are likewise allowable for at least the same reason. Claims 15-17 depend directly or indirectly from Claim 13, and thus, are likewise allowable for at least the same reason. Claim 28 depends directly from Claim 27, and thus, is likewise allowable for at least the same reason. Accordingly, Applicants respectfully request that the rejections of Claims 1-2, 4-6, 13, 15-17, 24-25, and 27 be withdrawn.

Rejections Under 35 U.S.C. § 103(a) as being unpatentable over the Graham '199 patent in view of the Waas '560 patent and in further view of the Chalmers '432 patent

Claim 26 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Graham '199 patent in light of the Waas '560 patent, and further in view of U.S. Patent No. 4,201,432 to Chalmers ("the Chalmers '432 patent"). The Office Action alleges that the Graham '199 patent,

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in view of the Waas '560 patent and the Chalmers '432 patent, disclose every element and limitation found in the claims. For at least the reasons discussed above with respect to the Graham '199 patent and the Waas '560 patent, Applicants respectfully traverse the rejections. Claim 26 depends directly from independent Claim 25, and thus, is likewise allowable for at least the same reasons discussed above. Accordingly, Applicants respectfully request that the rejection of Claim 26 be withdrawn.

Conclusion

In view of the foregoing remarks, Applicants respectfully submit that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Le is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-2167.

Respectfully submitted,




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Debra Michelle Clark

8/7/06
Date